



Monday
April 27, 1998

Part XXVIII

National Archives and Records Administration

Semiannual Regulatory Agenda

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Ch. XII

Unified Agenda of Federal Regulatory and Deregulatory Actions

AGENCY: National Archives and Records Administration.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda announces the proposed regulatory actions that the National Archives and Records

Administration (NARA) plans for the next 12 months and those actions that have been completed since October 1997. This agenda was developed under the guidelines in OMB's Memorandum for Regulatory Policy Officers at Executive Departments and Agencies and Managing and Executive Directors of Certain Agencies and Commissions, dated January 7, 1998. NARA's purpose in publishing this agenda is to allow interested persons an opportunity to have more comprehensive documentation of NARA's regulatory

plans and to participate in the rulemaking process. Some of the regulations listed in the agenda are considered significant under Executive Order 12866 "Regulatory Planning and Review."

FOR FURTHER INFORMATION CONTACT: Nancy Allard, Regulatory Contact, Policy and Communications Staff, (301) 713-7360 ext. 226.

Dated: February 19, 1998.

John W. Carlin,
Archivist of the United States.

Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3696	NARA Facilities	3095-AA06
3697	Records Services Centers	3095-AA27
3698	Standards for Agency Recordkeeping Requirements—Records, Nonrecord Materials, and Personal Papers	3095-AA61
3699	NARA Privacy Act	3095-AA66
3700	Records Declassification	3095-AA67
3701	Researcher Registration and Research Room Procedures	3095-AA69
3702	NARA Freedom of Information Act Regulations	3095-AA72
3703	Limitations on Testimony by NARA Employees	3095-AA75
3704	Collection of Debts Owed to the United States by NARA Employees	3095-AA76
3705	Storage of Nonpaper Records and Artifacts	3095-AA80
3706	Agency Records Centers	3095-AA81
3707	NARA Federal Acquisition Regulation Supplement; Drug and Alcohol-Free Work Force	3095-AA84

Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
3708	Debt Collection	3095-AA77
3709	Presidential Library Facilities	3095-AA82

Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
3710	Administrative Requirements for Grantees To Reflect Single Audit Act Amendments	3095-AA78

Completed Actions

Sequence Number	Title	Regulation Identifier Number
3711	Maintenance of Magnetic Computer Tape	3095-AA57
3712	Transfer of Electronic Records	3095-AA70
3713	NARA Evaluation Program	3095-AA79

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Proposed Rule Stage

3696. NARA FACILITIES**Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2104(a); 44 USC 2110**CFR Citation:** 36 CFR 1280**Legal Deadline:** None**Abstract:** NARA is updating its regulations on the use of NARA facilities and property to remove obsolete material and to clarify existing provisions, and to add provisions for the new facility in College Park, Maryland (Archives II).**Timetable:**

Action	Date	FR Cite
NPRM	06/00/98	
NPRM Comment Period End	08/00/98	
Final Action	09/00/98	
Final Action Effective	10/00/98	

Small Entities Affected: Undetermined**Government Levels Affected:** None

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RIN: 3095-AA06

3697. RECORDS SERVICES CENTERS**Priority:** Substantive, Nonsignificant**Legal Authority:** 44 USC 2907; 44 USC 3103**CFR Citation:** 36 CFR 1228**Legal Deadline:** None**Abstract:** NARA is updating regulations in subpart I of part 1228 relating to transfer of records to records services centers to clarify provisions, update addresses, and remove outdated material. NARA is adding a new procedure under 36 CFR 1228.152 (e) stipulating that new accessions of Top Secret records will only be accepted at the Washington National Records Center.**Timetable:**

Action	Date	FR Cite
NPRM	06/00/98	
NPRM Comment Period End	08/00/98	

Action	Date	FR Cite
Final Action	09/00/98	
Final Action Effective	10/00/98	

Small Entities Affected: None

Government Levels Affected: Federal

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3698. STANDARDS FOR AGENCY RECORDKEEPING REQUIREMENTS—RECORDS, NONRECORD MATERIALS, AND PERSONAL PAPERS**Priority:** Other Significant. Major status under 5 USC 801 is undetermined.**Unfunded Mandates:** Undetermined**Legal Authority:** 44 USC 2904; 44 USC 2905; 44 USC 3101; 44 USC 3102; 44 USC 3301; 44 USC 3314**CFR Citation:** 36 CFR 1222**Legal Deadline:** None**Abstract:** This revision of the regulation expands the guidance on personal papers and adds a requirement for agencies to protect against the removal of Federal records by issuing written procedures for the removal of nonrecord and personal materials. It also adds a requirement that agencies document the removal of nonrecord and personal materials and certify that no Federal records were taken. Finally, this revision provides more explicit guidance on records in electronic form.**Timetable:**

Action	Date	FR Cite
NPRM	01/00/99	
NPRM Comment Period End	03/00/99	
Final Action	05/00/99	
Final Action Effective	07/00/99	

Small Entities Affected: None**Government Levels Affected:** Federal

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3699. NARA PRIVACY ACT**Priority:** Info./Admin./Other**Legal Authority:** 44 USC 2104(a); 5 USC 552(a)**CFR Citation:** 36 CFR 1202**Legal Deadline:** None**Abstract:** NARA is updating its Privacy Act regulations governing NARA-created (administrative) records to reflect organizational and procedural changes.**Timetable:**

Action	Date	FR Cite
NPRM	04/00/98	
NPRM Comment Period End	06/00/98	
Final Action	07/00/98	
Final Action Effective	08/00/98	

Small Entities Affected: None**Government Levels Affected:** None

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RIN: 3095-AA66

3700. RECORDS DECLASSIFICATION**Priority:** Other Significant**Legal Authority:** 44 USC 2101 to 2118; 5 USC 552; EO 12600; EO 12958; EO 12356**CFR Citation:** 36 CFR 1254; 36 CFR 1260**Legal Deadline:** None**Abstract:** NARA plans to revise its regulations on mandatory review and declassification of its archival holdings to reflect the provision of EO 12958, Classified National Security Information. The revised regulations will affect Federal agencies as well as the public.**Timetable:**

Action	Date	FR Cite
NPRM	07/00/98	

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Proposed Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	09/00/98	
Final Action	10/00/98	
Final Action Effective	11/00/98	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

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RIN: 3095-AA67

3701. RESEARCHER REGISTRATION AND RESEARCH ROOM PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 44 USC 2111

CFR Citation: 36 CFR 1254

Legal Deadline: None

Abstract: NARA is updating its regulations to lower the age at which a student may be granted full research privileges from 16 years old to 14 years old; to extend the valid period of researcher cards issued by the automated application system from 2 years to 3 years; to revise the list of equipment permitted in research rooms; and to revise provisions relating to private microfilming projects.

Timetable:

Action	Date	FR Cite
NPRM	04/00/98	
NPRM Comment Period End	06/00/98	
Final Action	07/00/98	
Final Action Effective	08/00/98	

Small Entities Affected: None

Government Levels Affected: None

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RIN: 3095-AA69

3702. NARA FREEDOM OF INFORMATION ACT REGULATIONS

Priority: Info./Admin./Other

Legal Authority: 5 USC 552; 44 USC 2101 to 2118; EO 12600

CFR Citation: 36 CFR 1250; 36 CFR 1254

Legal Deadline: None

Abstract: NARA is updating its FOIA regulations governing NARA-created (administrative) records and records accessioned into the National Archives of the United States to reflect organizational and procedural changes.

Timetable:

Action	Date	FR Cite
NPRM	04/00/98	
NPRM Comment Period End	06/00/98	
Final Action	07/00/98	
Final Action Effective	08/00/98	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: NARA has decided to issue revised Privacy Act and FOIA regulations in separate rulemakings.

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RIN: 3095-AA72

3703. LIMITATIONS ON TESTIMONY BY NARA EMPLOYEES

Priority: Info./Admin./Other

Legal Authority: 5 USC 301; 44 USC 2104; 44 USC 2108 to 2109; 44 USC 2112; 44 USC 2201 to 2207

CFR Citation: 36 CFR 1201; 36 CFR 1250; 36 CFR 1254

Legal Deadline: None

Abstract: This regulation will establish NARA's policies and procedures with respect to testimony by NARA staff and/or production of information and records in legal proceedings not involving the United States or NARA as a named party.

Timetable:

Action	Date	FR Cite
NPRM	10/00/98	

Action	Date	FR Cite
NPRM Comment Period End	12/00/98	
Final Action	01/00/99	
Final Action Effective	02/00/99	

Small Entities Affected: None

Government Levels Affected: State, Local, Federal

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3704. COLLECTION OF DEBTS OWED TO THE UNITED STATES BY NARA EMPLOYEES

Priority: Info./Admin./Other

Legal Authority: 5 USC 5514; 31 USC 3701 to 3719; PL 104-134, sec 31001 Debt Collection Improvement Act of 1996

CFR Citation: 36 CFR 1201

Legal Deadline: None

Abstract: This regulation will establish NARA's policies and procedures for handling collection, compromise, and terminations of debts owed to the United States by NARA employees, including by salary and administrative offset. The regulation implements the Federal Claims Collection Act as amended by the Debt Collection Improvement Act of 1996.

Timetable:

Action	Date	FR Cite
NPRM	06/00/98	
NPRM Comment Period End	08/00/98	
Final Action	09/00/98	
Final Action Effective	10/00/98	

Small Entities Affected: None

Government Levels Affected: Federal

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RIN: 3095-AA76

NARA

Proposed Rule Stage

3705. STORAGE OF NONPAPER RECORDS AND ARTIFACTS**Priority:** Other Significant**Legal Authority:** 44 USC 2104 (a)**CFR Citation:** 36 CFR 1228; 36 CFR 1230; 36 CFR 1232; 36 CFR 1234**Legal Deadline:** None

Abstract: NARA is revising records management regulations and policies concerning storage of non-paper records and non-documentary materials (e.g., three-dimensional artifacts and exhibits that are related to a case file) at the Washington National Records Center and regional NARA facilities that provide temporary storage for Federal records. Agencies are responsible for ensuring that all of their records are maintained properly so that they are accessible throughout their scheduled retention period. NARA is concerned about the storage of non-paper records in facilities that do not provide appropriate environmental conditions. Such storage may contribute to deterioration of the records. Past practice has been inconsistent, and current regulations do not adequately address the issue.

Timetable:

Action	Date	FR Cite
NPRM	06/00/98	
NPRM Comment Period End	08/00/98	
Final Action	09/00/98	
Final Action Effective	10/00/98	

Small Entities Affected: None**Government Levels Affected:** Federal

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RIN: 3095-AA80**3706. AGENCY RECORDS CENTERS****Priority:** Other Significant**Legal Authority:** 44 USC 2104 (a); 44 USC 3103**CFR Citation:** 36 CFR 1228.222**Legal Deadline:** None

Abstract: NARA is revising the regulations on facility standards for records centers in 36 CFR part 1228, subpart I. The current regulation cites obsolete industry standards and has not been revised since the early 1980's. This rulemaking action revises standards for environmental conditions, with particular emphasis on storage areas for archival material, incorporates standards for the storage of nontextual records; prescribe new physical security and fire detection and suppression standards; and established environmental and security requirements for new agency records centers.

Timetable:

Action	Date	FR Cite
NPRM	08/00/98	
NPRM Comment Period End	10/00/98	
Final Action	11/00/98	
Final Action Effective	12/00/98	

Small Entities Affected: Undetermined**Government Levels Affected:** Federal

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RIN: 3095-AA81**3707. • NARA FEDERAL ACQUISITION REGULATION SUPPLEMENT; DRUG AND ALCOHOL-FREE WORK FORCE****Priority:** Info./Admin./Other**Unfunded Mandates:** Undetermined**Major:** Undetermined**Legal Authority:** 44 USC 2104 (a)**CFR Citation:** 48 CFR ch 27**Legal Deadline:** None

Abstract: NARA is issuing agency acquisition regulations supplementing the FAR that address specific needs of the agency. The contract clauses will apply to a limited number of NARA contracts.

Timetable:

Action	Date	FR Cite
NPRM	04/00/98	
NPRM Comment Period End	06/00/98	
Final Action	07/00/98	

Small Entities Affected: Businesses**Government Levels Affected:** None

Procurement: This is a procurement-related action for which there is no statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.

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RIN: 3095-AA84

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Final Rule Stage

3708. DEBT COLLECTION**Priority:** Info./Admin./Other**Legal Authority:** 5 USC 5514; 31 USC 3701 to 3719; PL 104-134, sec 31001**CFR Citation:** 36 CFR 1201**Legal Deadline:** None

Abstract: This regulation will establish NARA's policies and procedures for

implementing the Debt Collection Improvement Act of 1996. It provides for the collection, compromise, or termination of debts owed to the United States and NARA by adopting the Federal Claims Collection Standards promulgated by the General Accounting Office and Department of Justice.

Timetable:

Action	Date	FR Cite
Final Action	06/00/98	
Final Action Effective	07/00/98	

Small Entities Affected: None**Government Levels Affected:** Federal

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NARA

Final Rule Stage

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3709. • PRESIDENTIAL LIBRARY FACILITIES

Priority: Substantive, Nonsignificant

Legal Authority: 44 USC 2104(a); 44 USC 2112

CFR Citation: 36 CFR 1281

Legal Deadline: None

Abstract: NARA is issuing regulations relating to the acceptance of a Presidential library facility by the Archivist of the United States from a non-Federal group or institution. The regulations will address requirements in the Presidential Libraries Act of 1986 for architectural and design standards, certifications, and reporting to Congress.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/98	

Action	Date	FR Cite
Interim Final Rule Effective	05/00/98	

Small Entities Affected: None

Government Levels Affected: None

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RIN: 3095-AA82

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Long-Term Actions

3710. ADMINISTRATIVE REQUIREMENTS FOR GRANTEES TO REFLECT SINGLE AUDIT ACT AMENDMENTS

Priority: Substantive, Nonsignificant

Reinventing Government: This rulemaking is part of the Reinventing Government effort. It will revise text in the CFR to reduce burden or duplication, or streamline requirements.

Legal Authority: 44 USC 2104 (a)

CFR Citation: 36 CFR 1207; 36 CFR 1210

Legal Deadline: None

Abstract: This interim final revision to the agencies' grants management common rule, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments," and the agencies'

codification of Office of Management and Budget (OMB) Circular A-110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations," is issued to implement the Single Audit Act Amendments of 1996 and the June 24, 1997, revision of OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations." The agencies' rules provide uniform fiscal and administrative requirements applicable to all types of grants and cooperative agreements to State and local governments, institutions of higher education, hospitals, and other non-profit organizations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/29/97	62 FR 45937

Action	Date	FR Cite
Interim Final Rule Effective	09/29/97	
Interim Final Rule Comment Period End	10/28/97	
Next Action Undetermined		

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Local, Tribal, Federal

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

Completed Actions

3711. MAINTENANCE OF MAGNETIC COMPUTER TAPE

Priority: Other Significant

CFR Citation: 36 CFR 1234.30

Completed:

Reason	Date	FR Cite
Withdrawn	02/06/98	

Small Entities Affected: None

Government Levels Affected: Federal

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RIN: 3095-AA57

3712. TRANSFER OF ELECTRONIC RECORDS

Priority: Substantive, Nonsignificant

CFR Citation: 36 CFR 1228.188

Completed:

Reason	Date	FR Cite
Final Action	10/21/97	62 FR 54582
Final Action Effective	11/20/97	

Small Entities Affected: None

Government Levels Affected: Federal

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NARA

Completed Actions

3713. NARA EVALUATION PROGRAM**Small Entities Affected:** None**Priority:** Other Significant**Government Levels Affected:** Federal**CFR Citation:** 36 CFR 1220**Agency Contact:** Michael Miller

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Completed:

Reason	Date	FR Cite
Withdrawn Existing regulations provide sufficient flexibility.	02/06/98	

RIN: 3095-AA79

[FR Doc. 98-5154 Filed 04-24-98; 8:45 am]

BILLING CODE 7515-01-F